



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Kevin M. McKenna, Esquire
Timothy W. Garvey, Esquire
Latsha Davis Yohe and McKenna, P.C.
350 Eagleview Boulevard
Suite 100
Exton, PA 19341
Telephone: 610-524-8454

In Re: Shapes

Debtor.

Case No.: 08-14631(GMB)

New Jersey Department of Environmental Protection

v.

Shapes

Adv. No.:

Pre-Trial Hearing Date:

Judge: The Honorable Gloria M. Burns

**JOINT ORDER AMENDING SCHEDULING
PRETRIAL PROCEEDINGS AND TRIAL**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: 1/13/2010



Honorable Gloria M. Burns
United States Bankruptcy Court Judge

(Page 2)

Debtor: Shapes

Case No.

Adv. Pro. No.

Joint Order Scheduling Pretrial Proceedings and Trial

A pretrial conference having been held on January 5, 2010 pursuant to *Fed.R.Civ.P* 16(b) and (e), made applicable to these proceedings by *Fed.R.Bankr.P.* 7016, it is

ORDERED that

1. No later than March 19, 2010, the NJDEP shall meet and/or confer via conference call with the attorneys for the Debtors to resolve all asserted deficiencies in the NJDEP discovery responses. If the deficiencies are not resolved the Debtors may file a motion.

3. Fact depositions are to be completed by June 15, 2010.

4. Expert witness reports of the New Jersey Department of Environmental Protection are to be disclosed to Shapes by July 14, 2010.

5. Expert witness reports of Shapes are to be disclosed to the New Jersey Department of Environmental Protection by August 14, 2010.

6. Depositions of the expert witnesses of both parties shall be completed by November 12, 2010.

7. All other motions, including any motions for summary judgment, shall be filed no later than December 14, 2010 and returnable no later than January 15, 2011. Late filed motions shall not constitute cause for adjournment of the trial date.

(Page 3)

Debtor: Shapes

Case No.

Adv. Pro. No.

Joint Order Scheduling Pretrial Proceedings and Trial

8. _____ (CHECK IF APPLICABLE) The parties agree to pursue mediation to attempt to resolve disputed matters. A separate mediation order selecting a mediator and providing for a mediation schedule shall be submitted within ten (10) days.

9. New Jersey Department of Environmental Protection shall file a joint stipulation of all undisputed facts and all parties shall file and serve proposed findings of disputed facts, proposed conclusions of law, trial briefs if desired by the party, and binders with copies of pre-marked exhibits no later than 3 days before trial. The parties anticipate a trial of approximately 10 days.

10. All parties shall also bring to the trial sufficient copies of their exhibit lists to provide two to the Court and one to each adversary.

(Page 4)

Debtor: Shapes

Case No.

Adv. Pro. No.

Joint Order Scheduling Pretrial Proceedings and Trial

10. TRIAL will commence on April 21, 2011 at 10:00 am or as soon thereafter as the matter may be heard at:

Address: United States Bankruptcy Court
District of New Jersey
401 Market Street
Camden, NJ 08101
Courtroom: The Honorable Gloria M. Burns
Courtroom 4C

PARTIES MUST BE PREPARED TO PROCEED TO TRIAL ON THE SCHEDULED DATE. ADJOURNMENTS WILL BE GRANTED ONLY FOR COMPELLING REASONS BEYOND THE CONTROL OF THE PARTIES. ADJOURNMENT REQUESTS MUST BE RECEIVED NO LATER THAN THE THIRD BUSINESS DAY BEFORE THE SCHEDULED TRIAL DATE.

The undersigned hereby consent to the form and content of this Scheduling Order.

Attorneys for Plaintiff

Attorneys for Defendant

By: /s/
Rachel Jeanne Lehr, Esquire

By: /s/
Kevin M. McKenna, Esquire